

Serial No. 10/052,683, filed January 18, 2002  
Docket No.: 1112431-0351  
Page 6 of 8

### **REMARKS**

#### **I. Claim amendments.**

Claims 3 and 4 have been amended to replace "comprising" with "consisting essentially of" in the description of the elevator brake wedge. Support for the amendment is provided by the substitute specification at paragraph [0010], pages 3-4, and by Figures 3 and 4.

New claim 21 has been added. Claim 21 is directed to an elevator safety brake assembly consisting essentially of (1) an elevator brake wedge having a single shoulder, the single shoulder having an abutment surface normal to the rail facing surface; (2) a brake pad backing plate having a portion in contact with the abutment surface of the elevator brake wedge; and (3) a carbon/metallic composite brake pad. Support for the claim is provided by pending claim 4; the substitute specification at paragraph [0010]; and by Figures 3 and 4.

Upon entry of this Amendment, claims 3-5, 8-9, 12-13, and 17-21 are pending. No new matter has been added by any of the amendments herein.

#### **II. Rejection of claims under 35 U.S.C. §103(a)- Thompson in view of Chwastiak**

Claims 3-5, 8, 9, 12, 13, and 17-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US 5,979,615 to Thompson ("Thompson") in view of US 5,693,402 to Chwastiak ("Chwastiak"). The Examiner alleges that Thompson discloses all the limitation of the instant claims except for the feature of laser burnishing the brake pad. The Examiner relies upon Chwastek for an alleged disclosure of a method of laser burnishing a brake pad, and concludes that it would have been obvious to combine Thompson and Chwastek to obtain a more stable friction coefficient. Applicant submits that the claimed invention is not disclosed or suggested by either Thompson or Chwastiak.

Thompson discloses a braking system for slowing or stopping an elevator car. In Figure 2, Thompson illustrates that the composite material 36 is attached to the brake shoe base 30 by forming the composite material so as to have a diverging trapezoidal base section 38. The diverging trapezoidal base section is fitted into a matching shaped slot provided in the brake shoe base 26 (col. 4, lines 9-17). By forming a trapezoidal cutout in the brake shoe base, two side projections are formed on the top and bottom ends of the rail facing surface 30.

Serial No. 10/052,683, filed January 18, 2002

Docket No.: 1112431-0351

Page 7 of 8

In contrast to Thompson, the elevator brake wedge of the claimed elevator braking system has a *single* shoulder located near a top surface of the brake wedge. The single shoulder extends normally away from the rail-facing surface, and has an abutment surface normal to the rail facing surface. The abutment surface of the shoulder is adjacent to the brake pad backing plate. The shoulder absorbs shear loads from an elevator brake pad mounted in the brake pad assembly.

The Examiner alleges that the claims contain the open transitional phrase "comprising", and therefore read upon Thompson. Claims 3 and 4 have been amended to replace the transitional phrase "comprising" with "consisting essentially of", and therefore, the elevator safety brake wedge of the claimed invention contains only a single shoulder which is located near the top surface of the brake wedge.

Chwastiak does not overcome the deficiencies of Thompson to suggest the claimed invention. Chwastiak discloses a brake pad which has been pre-burnished using a high intensity heat source (Abstract). There is no suggestion of an elevator brake assembly in which the brake wedge comprises a single shoulder extending from the rail-facing surface.

Therefore, Thompson and Chwastiak, whether alone or in combination, do not suggest the claimed invention. Withdrawal of the rejection of claims 3-5, 8, 9, 12, 13, and 17-20 is respectfully requested.

#### **REQUEST FOR EXAMINER INTERVIEW**

The Examiner is requested to contact the undersigned Agent prior to issuance of a subsequent Office Action so that any outstanding issues may be discussed and resolved in an expeditious manner.

#### **CONCLUSION**

Applicant submits that the claimed invention has been distinguished over the cited prior art. Upon entry of this Amendment, claims 3-5, 8, 9, 12, 13, and 17-21 are pending. Applicant submits that claims 3-5, 8, 9, 12, 13, and 17-21 are in condition for allowance, which action is earnestly solicited.

Serial No. 10/052,683, filed January 18, 2002  
Docket No.: 1112431-0351  
Page 8 of 8

Authorization is hereby given to charge any fee which may be due in connection with this communication to Deposit Account No. 23-1703.

Dated: June 18, 2004

Respectfully submitted,

Andrew Fessak

Andrew Fessak  
Reg. No. 48,528  
Agent for Applicant

Customer No. 07470  
White & Case LLP  
Direct Line: (212) 819-8437